



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

April 25, 2005

Mr. Robert Furman
State of Delaware
Department of Administrative Services
410 Federal Street
Dover, De 19901

RE: PLUS review – PLUS 2005-03-09; Delaware Veteran's Home

Dear Mr. Furman:

Thank you for meeting with State agency planners on April 6, 2005 to discuss the proposed plans for the Delaware Veteran's Home to be located in the Milford Business Park at the corner of Canterbury and Airport Roads within the City of Milford.

According to the information received, you are seeking a rezoning from BP to OC1 to construct the 107,000 square foot facility.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the City of Milford is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

State Strategies/Project Location

The project is located in Investment Level 2, in the City of Milford. State policy supports the construction of public facilities in Level 2 areas.

Natural and Cultural Resources

- DNREC strongly recommends that the applicant preserve the existing natural forested buffer adjacent to the Improvement Branch in its entirety. Efforts to maximize or expand the existing natural buffer width beyond the recommended minimum with native herbaceous or woody vegetation are also strongly encouraged.
- According to the application, there is going to be disturbance within 40 feet of wetlands. It is recommended that the plan be altered so that there is a 100-foot buffer around all wetlands.
- In addition, preservation of the forested riparian buffer on the northern boundary is important for protecting water quality downstream within Tubmill Pond. Tubmill Pond is a public pond managed by the Division of Fish and Wildlife. DNREC has records of several rare plants and fish within this pond that could be affected by detrimental changes to water quality from development upstream.
- According to 2002 aerial photos there is a forested area within this parcel. The developer is strongly encouraged to preserve the existing forest on site.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This project is located in Investment Level 2 according to the 2004 State Strategies for Policies and Spending. This site is also located in the City of Milford. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. It is the State's policy to invest in public facilities and services in Level 2 areas, which in part led to the decision to locate this facility on this site in Milford. State investments will support growth in these areas. Our office has no objections to the proposed construction of the Delaware Veteran's Home accordance with the relevant City of Milford codes and ordinances.

Some comments in this PLUS response letter relate to the entire northern portion of the Milford Business Park, rather than just to the parcel that the Veteran's Home is to be constructed on. Our office would like to encourage the City of Milford (via copy of this letter) to consider submitting the Milford Business Park for PLUS review. Based on the discussion at this meeting, a PLUS review of the park would prove beneficial to the City as it considers future development of this important resource for Milford.

State Historic Preservation Office (SHPO) – Contact: Alice Guerrant 739-5685

The State Historic Preservation Office has reviewed the project under the federal section 106 requirements and they surveyed the entire northern parcel for the business park. While they did locate a historic period archaeological site on this property, they have determined that it lacked integrity. Therefore, the project will have no adverse effect on any historic properties.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The proposed site is in a low-density suburban location where most, if not all, staff and visitors would have to drive to get there. With that said, DelDOT knows, from participating in it, that the subject site was the product of an exhaustive selection process. To accommodate staff and visitors who do not drive, DelDOT suggests that the Home establish a shuttle service to connect with DART Route 303. That bus route, which runs weekdays between Dover and Georgetown, has stops at two locations in Milford. It stops at the Wal-Mart parking lot eight times northbound and eight times southbound and on Walnut Street in downtown Milford five times northbound and five times southbound. A shuttle service that met some of those stops, even if it only ran at shift changes, would do much to reduce the isolation of this location.

At the PLUS meeting, representatives from the Department of Administrative Services indicated that the possibility of DART service directly to the Home was being explored. The Delaware Transit Corporation is aware that such service has been suggested, but it would require Route 303 to divert significantly from its current route, making the service slower for the inter-county travelers whom the route is intended to serve. It is not being considered at this time.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

Soils

According to the Kent County soil survey, Sassasras, Woodstown, and Johnston were mapped in the immediate vicinity of the proposed construction. Sassafras is a well-drained upland soil that has few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Johnston is very poorly-drained wetland associated (**hydric**) floodplain soil that has severe limitations for development.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested wetlands on this site.

From the site plans provided, it appears that there will be no impact to wetlands. If wetland disturbances are deemed necessary, please note that impacts to wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act; impacts to tidal wetlands are also regulated by the DNREC Division of Water Resources, Wetlands and Subaqueous Lands Section. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the Wetlands and Subaqueous Lands Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process.

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

It is recommended that the Farm Services Agency of the USDA be contacted to assess whether the farmed wetlands on subject parcel meet the recognized criteria for classification as "prior converted wetlands." Prior converted wetlands are farmed wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection provided that there is no proof of a continuous "fallow period" of five years or greater in that parcel's cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the Army Corps of Engineers (ACOE). The contact person for assessing a parcel's cropping history is Sally Griffin at the USDA – she can be reached at 678-4182.

It should also be noted that this parcel is bordered by sensitive headwater riparian wetlands associated with a headwater stream known as Improvement Branch. Headwater streams are important for the protection of water quality and the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system downstream. Since headwater streams are a major avenue for nutrient-laden stormwater and sediment runoff, their protection deserves the highest priority.

In recognition of this concern, the Department strongly recommends that the applicant preserve the existing natural forested buffer adjacent to the Improvement Branch in its entirety. Efforts to maximize or expand the existing natural buffer width beyond the recommended minimum with native herbaceous or woody vegetation are strongly encouraged.

Buffers

According to the application, there is going to be disturbance within 40 feet of wetlands. It is recommended that the plan be altered so that there is a 100-foot buffer around all wetlands. In addition, preservation of the forested riparian buffer on the northern

boundary is important for protecting water quality downstream within Tubmill Pond. Tubmill Pond is a public pond managed by the Division of Fish and Wildlife. DNREC has records of several rare plants and fish within this pond that could be affected by detrimental changes to water quality from development upstream.

Buffers are an integral component of aquatic and wetland habitats, reducing the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms. Forested buffers also serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual life cycle.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the Mispillion subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Source Water Protection Areas

The southwest corner of the parcel along Route 15 is in an excellent ground-water recharge area (see map). The current area of new development does not impact this recharge area; however, subsequent development in the parcel may. According to the

State law that created the Source Water Protection Program, county and municipal governments will be required to enact ordinances to protect Water Resource Protection Areas. The following language has been excerpted from the Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While the local ordinances are not yet in place, the developer may find the language useful in modifying the site plan to protect the excellent recharge area.

Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPAs.

New development in WRPAs may exceed the 20 % impervious cover threshold, but be no more than 50 % impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.

Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water.

The Department recommends the following (ranked in order of preference):

1. Preserve WRPAs as open space and parks by acquisition or conservation easement.
2. Limit impervious cover of new development to 20 % by right within WRPAs.
3. Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrate rooftop runoff.
4. Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant
5. develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

Sediment and Erosion Control/Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through DNREC Sediment and Stormwater Program. Contact Elaine Webb, Engineer III, at (302) 739-4411, for details regarding submittal requirements and fees.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

A Certified Construction Reviewer (CCR) will be required for the site throughout construction.

Offsite regional stormwater management facilities will be used to manage stormwater for the site. Adequate temporary erosion and sediment controls must be provided prior to beginning land disturbing activity on this site.

DNREC Sediment and Stormwater Program recommends that the Milford Business Park, in which this project is located, be reviewed through the PLUS process as well.

Drainage

The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The Drainage Section requests all existing ditches on the property be checked for function and cleaned, if needed, prior to the construction of the Veteran's Home. Wetland permits may be required before cleaning ditches.

Forests

According to 2002 aerial photos there is a forested area within this parcel. Impacts to the forested area should be minimized. The developer is strongly encouraged to preserve the existing forest on site.

Forested areas on-site set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection. These areas should be clearly marked and delineated so that their importance is understood and activities do not infringe upon these areas.

Open Space

Enhancing community open space along forested areas will increase its value for birds and wildlife and create recreational opportunities for residents by allowing views of the forest. It will also help reduce the long term cost of open space maintenance.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism.

Nuisance Waterfowl

The pond planned for the subdivision will likely attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. DNEC recommends native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50 feet) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, owners or property managers will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number and/or size of the ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

State Fire Marshal's Office – Contact: John Rossiter 739-3696

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

❖ *It is important to have the City of Milford contact our office about submitting site plans for the park at or before your site plans are submitted.*

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for (healthcare) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories of more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility:**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Airport Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)

- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Large Area Building Note
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

DDA supports the completion of this project. However, as expressed in the Plus meeting the applicant needs to be and appears to be aware of the 50 foot setback and 300 notification zone requirements from agricultural preservation districts. The Kimbrosa District owned by the Bowman family has been an established ag preservation district since July 2004. The City of Milford is well aware of the District status of this land and has been since the district was formed. In the future, the district must be noted on any maps of this area (and the 50 foot setback and 300 foot notification zone must be noted on the maps of the area.)

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Delaware Emergency Management Agency – Contact: Don Knox 659-3362

No significant impact to public safety is foreseen by implementation of this project. Routes 14 and 113 are coastal storm evacuation routes and this project will be affected by traffic volume on these routes during a coastal storm event.

Delaware Economic Development Office – Contact: Dorrie Moore 739-4271

The Delaware Economic Development Office (DEDO) supports the Delaware Veterans Home site review plan for the construction of the 107,000 square foot facility in the Milford Business Park.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of

PLUS 2005-03-09

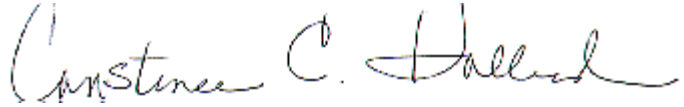
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State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in dark ink, reading "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being the most prominent part.

Constance C. Holland, AICP
Director

CC: Richard Carmean, City of Milford



Delaware Veterans Home

2005-03-09

